

**YEAS.**—Messrs Bryan, Burroughs, Caldwell, Flanagan, Grimes, Hill, McCulloch, McDade, Millican, Palmer, Pirkey, Potter, Russell, Scott, Taylor, of Cass, Truit, Whitaker and White—18.

**NAYS.**—Messrs Allen, Armstrong, Guinn, Lott, Martin, Maverick, Pedigo, Scarborough, Superviele, Taylor, of Fannin, Taylor, of Houston, Weatherford and Wren—13.

Mr Grimes moved the indefinite postponement of the bill; lost by the following vote:

**YEAS.**—Messrs Bryan, Burroughs, Flanagan, Grimes, Hill, McCulloch, McDade, Millican, Palmer, Whitaker and White—11.

**NAYS.**—Messrs Allen, Armstrong, Caldwell, Guinn, Lott, Martin, Maverick, Pedigo, Pirkey, Potter, Russell, Scarborough, Scott, Superviele, Taylor, of Cass, Taylor, of Fannin, Taylor, of Houston, Truit, Weatherford and Wren—20.

On motion of Mr Palmer, the bill was postponed until Monday, 3d day of December, and 100 copies ordered to be printed.

On motion of Mr Taylor, of Cass, a bill to create the 17th Judicial District of the State of Texas, and to define the time of holding the District Courts therein, was taken up, read second time and referred to the committee on the Judiciary.

On motion of Mr Guinn, a bill to regulate the time of holding the Courts in the 6th Judicial District was taken up, read second time, and referred to the committee on the Judiciary.

On motion of Mr White, a bill to change the time of holding the District Court in the 10th and 14th Judicial Districts, was taken up, read second time, and referred to the committee on the Judiciary.

On motion of Mr Martin, the Senate adjourned until 9 o'clock to-morrow morning.

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WEDNESDAY, Nov. 28th, 1855.

The Senate was called to order by the President, pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

Journal of yesterday read and adopted.

Mr Taylor of Cass presented the petition of John Speake, asking an appropriation for the improvement of Ferry Lake; referred to committee on Internal Improvements.

Mr Armstrong presented the petition of J. C., and Margaret Pettigrew; referred to committee on State affairs.

Mr White presented the petition of A. M. Clare; referred to committee on claims and accounts.

Mr Guinn presented the memorial of Asa Dossett ; referred to committee on private land claims.

Mr Guinn also presented the memorial of the Synod of the Presbyterian Church ; referred to committee on State affairs.

Mr Weatherford presented the petition of sundry citizens of Ellis county ; referred to committee on public lands.

Mr Caldwell presented the petition of James Lamb ; referred to committee on public lands.

Mr McCulloch presented the petition of the corporation of the city of New Braunfels, and many citizens, praying for a charter for a bridge ; referred to committee on roads, bridges, and ferries.

Mr McCulloch also presented the petition of Henry Bridges ; referred to committee on private land claims.

Mr Burroughs presented the memorial of sundry citizens of Jefferson county, asking an appropriation for the removal of obstructions in the rivers Sabine, Angelina, and Neches ; referred to committee on Internal Improvements.

Mr Allen, chairman of the committee on enrolled bills, made the following report :

The committee on enrolled bills have examined the joint resolutions of the two Houses, relative to the compromise measures of the Congress of the United States passed in 1850—an act for the relief of Albert Gehrke, and joint resolution authorizing and requiring the Governor to order an election to be holden in the counties of Cherokee and Angelina for Representative, to fill the vacancy occasioned by the death of Joseph C. Harrison, and find them correctly enrolled, and properly signed, and have this day been presented to the Governor.

Mr Taylor of Cass, chairman of the committee on public debt, made the following report :

The committee on public debt have considered a bill, making an appropriation for the payment of a portion of the public debt of the late Republic of Texas, and find that the necessity for the passage of this bill depends upon the passage of a bill, accepting the proposition of the United States for the liquidation of the debts of the State of Texas. We therefore recommend that the bill lie upon the table for the present.

Mr Taylor of Cass, also made the following report :

COMMITTEE ROOM, Austin, }  
November 28th, 1855. }

*Hon. D. C. Dickson, President of the Senate :*

SIR :—The committee on public debt to whom was referred a bill, to be entitled an act giving the assent of the State of

Texas to "An Act to provide for the payment of such creditors of the late Republic of Texas, as are comprehended in the act of Congress of September the ninth, (9) eighteen Republic of fifty, (1850)," which was passed at the second session of the thirty-third (33) Congress of the United States—and approved February the twenty-eighth, (28) eighteen hundred and fifty-five, have, (after mature reflection,) instructed me to report, that in their opinion the Bill should not be passed into a law. In the consideration of this subject, many potent reasons have suggested themselves to the committee to sustain them in the recommendation that the Bill should not pass. The first one to which we will allude, is the fact that the people at the "ballot box" have decided against the acceptance of the proposition of Congress. We know that it has been argued by the Executive, in his late message, that the vote of the people should not be regarded, because the full vote of the State was not cast; only some 25,000 voting for and against the Bill, while for Governor, there was polled some 43,000 votes. No one will deny, but that the vote was a small one; but that does not argue that we should disregard it. Under our form of Government, pluralities elect, and though there had been but ten thousand votes cast for Governor, the man who received the greatest number would have been duly elected. It is true that there was no law authorizing the people to vote upon the subject; but the Governor took the responsibility to request a vote by the people, and it was considered (so far as we are able to learn) as a test of the sense of the State upon this important matter. It was conducted as other elections—governed by our election law—and should, we think, be taken as the voice of the people! But, should the Legislature disregard this vote, we think there are many other reasons that should induce them to adopt the report of the committee:—First, Texas, like all other sovereignties, has a right to transact her own financial matter in her own way; she has established an equitable adjustment of her liabilities. No one, we believe, has ever objected to it, save the creditors themselves; then we take the position that our adjustment of 1848 is an equitable one, doing justice alike to all of our creditors. To accept this Bill would be to abandon every principle of that adjustment, and submit and agree to one to which equity and justice has never been awarded, we believe, even by the mass of creditors themselves.

Secondly, the acceptance of the proposition will result in a pecuniary loss to the State (over our own adjustment) of not

less than (\$2,280,000) two million and a quarter of dollars. As this calculation differs from that of the Governor, we submit it thus :

The amount of bonds now in the Treasury of the United States.....	\$5,000,000
Interest on same to 1st of January, 1855.....	1,250,000
Premium on same at 10 per cent.....	500,000

Total.....	\$6,750,000
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Deduct total Revenue Debt of Texas, including interest to 1st of July, 1850.....	4,467,756
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Balance against Texas .....	\$2,282,244
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This is the amount which we contend Texas loses in money by the operation, to say nothing of the amount due her on account of Indian depredations, which she releases by the acceptance. Of the justice of this claim we profess to know but little; but we are forced to the conclusion that there is some justice in it, or Gen. Thos. J. Rusk would not have urged it so strongly before the United States Senate. Gen. Rusk says the United States justly owes Texas three millions eight hundred thousand dollars, for money expended by Texas in defending herself against the American Indians, when the United States was bound by treaty stipulations to protect her against them. Now, if this be so, our loss would be much greater, for by adding this amount to that above, we lose in round numbers (\$6,332,244) six million three hundred and thirty-two thousand two hundred and forty-four dollars, as a loss to Texas, by the acceptance of the proposition of Congress.

We know that it has been said, and will doubtless be reiterated, that we should accept the proposition to get rid of legislation upon the subject. Now if this were so, and the accepting of the Bill would be a finality, it would be much to commend it to the favorable consideration of the Legislature; but we cannot view it in this light—many of the creditors, we have reason to believe, are not satisfied with this settlement. Mr. Hamilton, who represents a large amount of our liabilities, has, in his circular to the other creditors, given us good grounds for believing that he is not satisfied, but still he urges the acceptance by Texas. "For if," says he, (when speaking to the creditors) "the act is accepted by Texas, our *pro-rata* amounts of 78 cts. to the dollar will be passed to our credit in the treasury of the United States, and we will not be required to file the releases until we receive the money."

Now, from this, is it not fair to suppose that he will *not* file the releases, but will (having his *pro rata* secure in the Treasury of the United States,) return to Texas with the same old cry of repudiation and good faith, and ask the Legislature to make good the difference between the *pro rata* and face value of his claims, which he says Texas or the United States must and will eventually pay. And will there not be some justice in granting relief in many instances; for instance, under our adjustment we pay a large proportion of our liabilities at 70 cents to the dollar, while we award to another class but 25 cent to the dollar. By the acceptance of this act we allow a leveling law, or pay all the same *pro rata*—or, in other words, we increase that class scaled to 25 cents, fifty-three cents on its face, while that scaled at 70 cents is increased but eight cents on its face value. Now will not the person holding the class scaled at 70 cents say, (and that too with some plausibility) that you have, by this re-adjustment, done me injustice—you have said by your adjustment that you owed me 70 cents on the dollar, and that you owed another class but 25 cents on the dollar; now if this was correct, you have, by your act, permitted me to be wronged, as both of us claimed that you owed us the face value of our claims, and therefore you should give me relief, at least to the same extent or per centage that you allowed to be paid to the class scaled at 25 cents to the dollar—and thus would, we believe, be entailed upon us a system of legislation, the end of which we cannot comprehend.

We are clearly of the opinion that the best, most speedy and equitable way to settle the question is to adhere strenuously to the system of adjustment adopted by the Legislature of 1848, as it is just, equitable and right in principle, and should we now abandon it, we fear that it will be said of Texas that she attempted to defraud her creditors, but the United States would not allow her to do so.

For these, and many other reasons which might be adduced, we hope the Senate will concur in the suggestions of the Committee—all of which is respectfully submitted.

M. D. K. TAYLOR, Chairman of Com. on Public Debt.

JAMES ARMSTRONG.

J. W. McDADE,

JEFF. WEATHERFORD,

W. T. SCOTT,

JONATHAN RUSSELL,

} Majority of Com. on Public Debt.

On motion of Mr Millican, the rule was suspended, and one hundred copies of the report and bill were ordered to be printed.

Mr Scott, chairman of the committee on public lands, to which was referred a bill to secure the right of redemption in lands sold

under execution, reported that a majority of the committee recommended its passage.

Mr Scott, chairman of the committee on public lands, to which was referred a bill to investigate certain void and forfeited titles; reported a substitute therefor, and recommended its passage.

Mr Hill, from the committee on private land claims, to which was referred a bill for the relief of James M. Robinson, reported the same back and recommended its rejection, for the reason that Mr Robinson emigrated to Texas in the year 1842, after the laws granting lands had expired by their own limitation, and is not entitled to relief.

Mr Hill also made the following report:

The committee on private land claims have considered a bill for the relief of the heirs of John P. Rohers, and have instructed me to report: That said Rohers emigrated to, and settled in Texas previous to the Declaration of Independence, and remained in Texas until his death, leaving a family of children, all minors, who have ever since continued to reside in the country; that neither the decedent in his life time, or his heirs since his death, have ever received any land from the Republic or State of Texas. The committee are of opinion, that the heirs of said Rohers are entitled to the league and labor now sought to be obtained, and have instructed me to return the bill to the Senate, and recommend its passage.

Mr Taylor of Fannin, chairman of the committee on private land claims, to which was referred the petition of William Wingate, asking for one third of a league of land as his headright, reported a bill for his relief, which was read first time.

Mr Taylor of Fannin, made the following reports:

The committee on private land claims, to which was referred a bill for the relief of George R. Rains, have had the same before them, and are of opinion that the refusal of the board of land commissioners of the county of his residence to grant him a league and labor of land as the head of a family, is the best evidence before the committee that he was only entitled to 1280 acres, which by his own showing he has obtained. The committee therefore, in the absence of any other reason than that which appears upon the papers, recommend the rejection of the bill.

The committee on private land claims, to which was referred the petition of Rosanna Ripley, have had the same under consideration, and have come to the conclusion that the relief prayed for ought not to be granted, for the reason that there is no showing that her husband, John Lane, had not received land in his

life time, nor is there any evidence that she has not, either in her own right, or the right of her second husband, one Ripley, of whom, or whose whereabouts your committee have no information; they therefore ask that the relief prayed for be not granted.

The committee on private land claims, to which was referred the petition of Isabella Wingate and John Collins, asking for the change of a land patent from the name of Edwin Wingate to Edward Wingate has been examined, and your committee are of opinion that as the parties have their remedy in the courts of the county, the relief prayed for ought not to be asked, nor granted by the Legislature.

The committee on private land claims have had a bill for the relief of Gideon G. Williams before them, asking an amendment of the act of the last session of the Legislature, known as the "Omnibus Bill," so as to change the issue of a certificate authorized by that act, from "the heirs of James D. Jennings to Gideon G. Williams, assignee of James D. Jennings." Your committee are of opinion that the transfer by Jennings in his life time conveyed no right to Williams, because that transfer was for a certificate which was not recommended. The Legislature did grant to the heirs of James D. Jennings the quantity of land to which their father was entitled. Your committee therefore beg leave to leave the settlement of the question of title between Williams and Jennings's heirs to the courts, and ask to be discharged from the farther consideration of the same.

Mr Taylor of Fannin, by leave, presented the petition of James Reson; referred to committee on private land claims.

Mr Armstrong, by leave, presented the petition of sundry citizens, respecting the lands in the German colony; referred to committee on the judiciary.

Mr Pirkey introduced a bill to re-organize the eighth judicial district, and define the time of holding the district court therein; read first time.

Mr Taylor of Cass introduced a bill explanatory of the fourteenth section of an act to provide for the construction of the Mississippi and Pacific Rail Road—approved Dec. 21st, 1853 read first time.

Mr Scarborough introduced a bill for the relief of Francis M. Campbell; read first time.

On motion of Mr Bryan, Mr Palmer was excused from attendance on account of indisposition.

#### ORDERS OF THE DAY.

A bill to prevent hunting by fire light—together with the report of the committee on State affairs offering amendments thereto, were read and amendments adopted.

Mr Flanagan offered the following amendment: Strike out "double damages" in second section, and insert "double the value of the property killed or injured"—adopted.

Mr Taylor, of Cass, moved to amend the bill by striking out "his or her enclosure," and inserting "his or her lands"—lost.

Mr Taylor, of Fannin, moved to amend by striking out "or other wild beasts" and inserting "or other game"—adopted.

Mr Scott offered the following amendment: "That nothing contained in this act shall be construed to prevent persons from hunting with fire, provided he shall not use a gun or other fire arms"—adopted.

The bill was then ordered to be engrossed.

Joint resolution proposing an amendment to the Constitution of the State of Texas, read second time, and on motion of Mr Taylor, of Cass, referred to the committee on education.

A bill to repeal an act to provide for the issuance of bounty and donation land warrants to persons entitled to the same—read second time and on motion of Mr Guinn, referred to the committee on the judiciary.

House bill to create the county of Parker, read first time.

On motion of Mr Weatherford, the rule was suspended, bill read second time, and referred to the committee on public lands.

House bill to incorporate the town of Cameron, in the county of Milam—read first time.

House bill authorizing the judge of the third judicial district to hold a term of said court in Coryell county on the fourteenth Monday after the 1st Monday in September, 1855—read first time.

House bill to legalize the creation of Vanzandt county—read first time.

House bill to make valid surveys made by the county surveyor of Vanzandt county—read first time.

A bill supplementary to "an act to establish and incorporate the College of De Kalb," approved Jan'y 26th, 1839—read.

On motion of Mr Taylor, of Cass, the bill was amended by adding "provided, that this act shall not affect the interest of third parties."

The bill was then ordered to be engrossed.

A bill to amend an act to provide for the construction of the Mississippi and Pacific Rail Road—read, and on motion of Mr Taylor, of Cass, made the special order of the day for Tuesday, the 4th day of Dec., at 11 o'clock.

A bill more particularly to define the Western boundary line



of Milam land District—read, and on motion of Mr Taylor, of Fannin, made the special order of the day for Wednesday next, at 11 o'clock.

A bill to prevent the carrying of concealed weapons, together with the report of the committee on the judiciary offering a substitute therefor, was read, substitute adopted and bill ordered to be engrossed.

A bill for the relief of Joseph Luce and David Luce, and the heirs of John Luce, and the heirs of Abb Luce, Sr., and the heirs of Abb Luce, Jr.—read and ordered to be engrossed.

A bill to create the county of Wise—read, and on motion of Mr Allen, laid on the table.

A bill to create the county of Comanche—read and ordered to be engrossed.

A bill to create the county of Erath—read and ordered to be engrossed.

A bill to incorporate the town of Chappell Hill—read and ordered to be engrossed.

A bill to amend an act to raise revenue by direct taxation—read second time, and on motion of Mr Guinn referred to the committee on Finance.

A bill to incorporate the Lake Creek bridge and turnpike company—read second time, and on motion of Mr Grimes, referred to the committee on roads, bridges and ferries.

A bill for the relief of the heirs of Hervey Whiting—read second time, and on motion of Mr Guinn, referred to the committee on claims and accounts.

A bill for the relief of the heirs of A P Cunningham—read second time, and on motion of Mr Caldwell, referred to the committee on public lands.

A bill for the relief of James Hall—read second time and on motion of Mr Caldwell, referred to the committee on claims and accounts.

A bill to change the name of Martha R Eppinger, to Martha R Bonner—read second time, and on motion of Mr Guinn, referred to the committee on the judiciary.

A bill relating to the duties of assessors and collectors of Taxes—read second time and on motion of Mr Superviele, referred to the committee on Finance.

A bill to procure from Mexico the original archives, orders, decrees, laws, rules, regulations, &c.—read second time, and on motion of Mr Superviele referred to the committee on State affairs.

A bill to incorporate to city of Marshall—read second time,

and on motion of Mr Scott, referred to the committee on State affairs.

A bill to create the 18th judicial district—read second time, and on motion of Mr Armstrong, referred to the committee on the judiciary.

A bill authorizing Glover Wells to construct a bridge across the east fork of Trinity river—read second time and on motion of Mr Allen, referred to the committee on roads, bridges and ferries.

A bill to define the limits of Bexar county—read second time, and on motion of Mr Superviele, referred to the committee on counties and county boundaries.

A bill to authorize William D Dillon to practice law—read second time, and on motion of Mr Taylor, of Cass, referred to the committee on the Judiciary.

A bill for the relief of Alfred H Wiley—read second time and ordered to be engrossed.

The report of the committee on the judiciary on joint resolutions to provide for the amendment of 31st section of 7th Article of the Constitution, read—Mr Armstrong submitted the following minority report:

The judiciary committee to which was referred an amendment to the Constitution proposed by the Senator from Williamson, to wit:

"No corporate body, sole or aggregate, shall hereafter be or exist with banking or discounting powers or privileges and the issuing, circulating or uttering bills, checks, promissory notes or other paper to circulate as money, is hereafter prohibited, and that sections 30 and 32 of Article 7, is hereafter," abrogated," have considered the proposed amendment, and a majority of said committee have reported unfavorably, but a minority of the same committee urge the adoption of the same, because that this amendment being intended in place of said 30 and 32 sections, which we consider insufficient as they are to effect the object.

SECTION 30 reads thus: "No corporate body shall hereafter be created, renewed or extended with banking or discounting privileges." This does not entirely reach those who claim to have had such privileges at the time of the adoption of the constitution, and it is contended that an institution now in the exercise of these privileges is only enjoying a right previously vested, and is not interfered with, but protected by the Constitution. Taking that view of the question, the Constitution must be amended, to prevent the further exercise of exclusive privileges by that company.

SECTION 32 reads thus: "The Legislature shall prohibit, by law, individuals from issuing bills, checks, promissory notes or other paper to circulate as money." It is contended that this section extends only to individuals issuing bills, &c., and not to a bank, and that a law passed punishing those persons would be to punish for the exercise of a previously vested right, which is protected under the Constitution. The consequence of leaving the Constitution as it is now, is to authorize one bank only to have and enjoy the exclusive privilege of banking in the State. Banking privileges should be extended to all who might desire or be entirely excluded.

We, the minority of said committee, hold that no bank should exist in the State, and that no special favors should be extended to any person, the same being at war with the principles of a Republican Government.

We find that the authorities of the State are unable to prevent the exercise of the banking privilege by the Commercial and Agricultural Bank and its agents, and the more effectually to prevent the exercise of such privilege, we believe the amendment is necessary. We believe that it was intended by the framers of the Constitution to allow no such exclusive privileges, and that they had so provided, but finding as we do that the Constitution is avoided by an ingenious construction, we hope that the amendment will be adopted, and if adopted, will place the matter beyond dispute.

JAMES ARMSTRONG.  
WM. H. MARTIN,  
R. H. GUINN,  
J. W. FLANAGAN,  
ISAAC L. HILL.

On motion of Mr Armstrong, the bill and report were laid on the table.

A bill for the protection of the Western Frontier, together with the report of the joint select committee thereon—read and on motion of Mr Hill made the special order of the day for Friday next, at 11 o'clock.

A bill to amend the act of February 5th, 1841, entitled an act of limitations—read, and on motion of Mr Armstrong, laid on the table.

On motion of Mr Guinn, the Senate adjourned until Friday morning 9 o'clock.